

The Scottish push towards local democracy carries potential unintended costs

By Democratic Audit

*The prospect of independence for Scotland is being treated by campaigners as an opportunity to instigate meaningful political and constitutional reform, including a major devolution of powers to local and municipal Government. But, argues **Professor Paul Cairney**, while it isn't clear what the respective roles of the different tiers of Government will be, there are unintended costs in upsetting an established constitutional order.*

The prospect of
Scottish

independence, or major constitutional change, provides a 'window of opportunity' for other political reforms. People feel, quite rightly, that now is the time to push their ideas, since such a major package of reforms is unlikely to be repeated for a generation. It's now or never (or, at least, much later).

One proposal is to beef up local democracy in Scotland by devolving powers from central to local government and making sure that local decision making involves more public participation. You can see this recommendation made in newspapers such as The Herald ('A chance to revitalise our local democracy') which focuses specifically on more devolution of powers to local government (or, at least, those in Glasgow and the islands councils) and in the Electoral Reform Society's (ERS) much more ambitious report *Democracy Max*.

The ERS presents this idea as part of a whole package, considering how to find the Holy Grail of politics in which power is devolved readily (rather than hoarded by central government) and the public has a greater incentive and opportunity to engage with politics in a meaningful way (by localising key decisions and introducing policy-influencing bodies drawn from a cross-section of society).

There are at least two unresolved issues to consider alongside such reforms. They perhaps represent the unintended, *practical*, consequences of a policy, based on *principle*, to enhance local democracy:

What would be the role of the Scottish Parliament?

Currently, Scotland has a fairly traditional Westminster system in which the Scottish Government is accountable to the Scottish Parliament. It is unicameral, prompting the design of a 'frontloaded' legislative system to address the lack of a revising chamber. Scottish Parliamentary committees may seem more 'powerful' in relation to many of their Western European counterparts because, for example, they have a combined standing/ select committee function (to foster committee expertise) and they consider legislation before plenary at the principles and amendment stages (they can also initiate legislation). However, they are not particularly powerful in relation to the Scottish Government or the public sector. The government makes policy and the parliament provides a degree of scrutiny limited by a lack of resources (and factors such as the whipping power of parties, particularly when a single party or coalition has a majority). In particular, it lacks the ability to gather information independently – it tends to rely on bodies such as the Scottish Government to provide that information. While it can oblige, say, Scottish ministers to attend meetings to provide information, such tools have a limited effect.

The experience of 14 years of devolution is that the Parliament struggles to hold the Government to account because: (a) it does not get enough information from the Scottish Government about what is going on locally (indeed, Scotland lacks the top-down performance management system that we associate with the UK Government); and, (b) local authorities often push back against calls for detailed information – for example, they say they are not accountable to the Parliament because they have their own elections and mandates. This has been a particular feature of central-local politics since 2007, when the Scottish Government signed a concordat with COSLA (Convention of Scottish Local Authorities) to reduce the ‘micromanagement’ of local authorities by central government.

More devolution to local authorities would exacerbate this tension between local and national accountability. In turn, it should prompt us to think about what the Parliament is there to do. Is it there to consider only the Scottish Government’s broad strategies or should it get its hands dirty looking at the outcomes in detail? At the very least, we should consider the extent to which new mechanisms to enhance local democracy will replace adequately the functions of the Scottish Parliament. Will they have the same legitimacy as an elected Scottish Parliament which is often seen to represent the centre of popular participation and governmental accountability? Scottish independence would also raise the stakes of this debate, prompting us to think about the ability of a Scottish Parliament to scrutinise, for example, the links between economic policy and public service delivery, but without the same ability to gather information on all aspects.

What would be the role of Scottish-level groups?

Currently, most Scottish policy is processed by civil servants who consult regularly with organisations such as interest groups. The evidence to date suggests that most ‘lobbying’ to the Scottish Government and Parliament is done by (a) other parts of Government and (b) professional and interest groups – representing local authorities, local authority professions, the medical and health professions, businesses, business groups, the third sector, and so on. Civil servants rely on groups for information and advice, and they often form long term, efficient and productive relationships based on trust and regular exchange. When policy is made at the Scottish level, those groups organise at the Scottish level – establishing bases in or near Edinburgh and spending their ‘lobbying’ time in consultation with civil servants. One consequence of devolving power locally is that these groups must reorganise, to shift from lobbying one national government to 32 local governments.

For example, the Scottish Council for Voluntary Organisations’ (SCVO) role may shift from a national voice for hundreds of small groups to a national resource to aid those groups when they engage locally. There is nothing wrong with that in principle, but it should prompt us to consider the local dynamics of consultation in at least two ways. First, there are likely to be clear winners and losers in this new setup. The well-resourced professional groups will be OK. However, the groups working on a shoestring budget, with one or two members of paid staff, only able to lobby the Scottish Government and Parliament, will struggle. In other words, the reforms may benefit the ‘usual suspects’. Second, who will take the place of the smaller groups?

The ERS’s suggestion is that more local devolution produces a more active local population, but we need to know more about how and why people organise. It seems intuitive that local communities may organise in an *ad hoc* way to address major issues in their area as they arise, but the thing about established groups is that they have a constant presence and that they often get a handle on the details of policies over time. They represent a form of institutional memory in a way that *ad hoc* campaigns would not.

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